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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/565,274

01/20/2006

Fumio Okuda

28955.4041

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27890 7590 06/28/2007
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WASHINGTON, DC 20036

EXAMINER

NGUYEN, KHIEM D

ART UNIT

PAPER NUMBER

2823

MAIL DATE

DELIVERY MODE

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/565,274 | Applicant(s) OKUDA ET AL. | |
| | Examiner Khiem D. Nguyen | Art Unit 2823 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendment filed on January 20th, 2006 has been entered.

Oath/Declaration

2. The oath/declaration filed on January 20th, 2006 is acceptable.

Information Disclosure Statement

3. The Information Disclosure Statement filed on January 20th, 2006 has been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

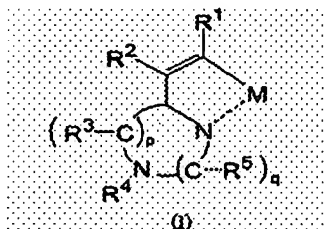
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (U.S. Pub. 2006/0083947).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

In re claim 1, **Ikeda** discloses a metal complex compound having a partial structure represented by a following general formula (I):



wherein R^1 to R^5 each independently represents a hydrogen atom, a cyano group, a nitro group, a halogen atom, a substituted or unsubstituted alkyl group having 1 to 20 carbon atoms, a substituted or unsubstituted amino group, a substituted or unsubstituted alkoxy group having 1 to 20 carbon atoms, a substituted or unsubstituted alkylsilyl group having 1 to 20 carbon atoms, a substituted or unsubstituted acyl group having 1 to 20 carbon atoms or a substituted or unsubstituted aromatic group having 1 to 30 carbon atoms (pages 1-2, paragraphs [0009]-[0017]); and a couple of R^1 and R^2 , a couple of R^2 and R^3 , a couple of R^3 and R^4 and a couple of R^4 and R^5 may bond each other to form a ring structure; p and q each independently represents an integer of 0 to 3; $p + q$ being 2 or 3; further, when p is an integer of 2 or greater, plural of R^3 may bond each other to form a ring structure; when q is an integer of 2 or greater, plural of R^5 may bond each other to form a ring structure; and M represents any one metal atom selected from iridium (Ir) atom, rhodium (Rh) atom, platinum (Pt) atom or palladium (Pd) atom (page 16, paragraph [0060]).

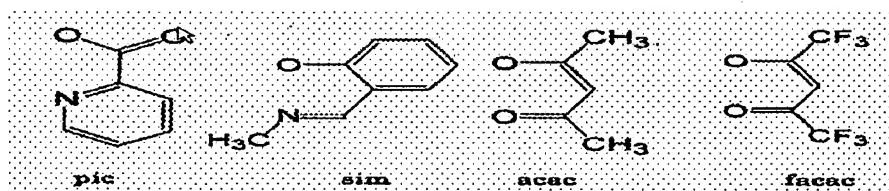
In re claim 2, as applied to claim 1 above, **Ikeda** discloses all claimed limitations including the limitation wherein the metal complex compound is a material for an light emitting element (page 4, paragraph [0024]).

In re claim 3, as applied to claim 1 above, **Ikeda** discloses all claimed limitations including the limitation wherein said partial structure is expressed by any one of following general formulae (i) to (vii): wherein R^4 represents the same as the above description (pages 1-2, paragraphs [0009]-[0017]).

In re claim 4, as applied to claim 1 above, **Ikeda** discloses all claimed limitations including the limitation wherein said partial structure is expressed by any one of following general formulae (i') to (vii'): wherein R^4 represents the same as the above description (pages 1-2, paragraphs [0009]-[0017]).

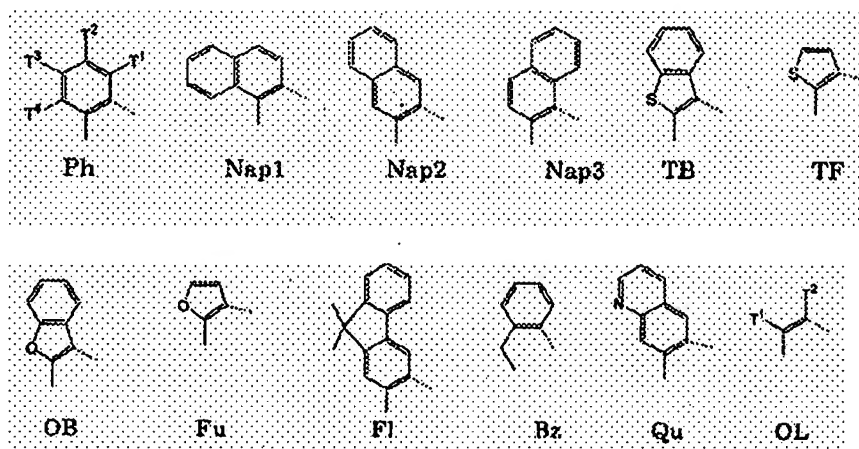
In re claim 5, as applied to claim 1 above, **Ikeda** discloses all claimed limitations including the limitation wherein the metal complex compound is expressed by any one of following general formulae 1 to 7 and 1' to 7': wherein T^5 to T^9 each independently represents a hydrogen atom, a cyano group, a nitro group, a halogen atom, a substituted or unsubstituted alkyl group having 1 to 20 carbon atoms, a substituted or unsubstituted amino group, a substituted or unsubstituted alkoxyl group having 1 to 20 carbon atoms, a substituted or unsubstituted alkylsilyl group having 1 to 20 carbon atoms, a substituted or unsubstituted acyl group having 1 to 20 carbon atoms or a substituted or unsubstituted aromatic group having 1 to 30 carbon atoms; and a couple of T^5 and T^6 , a couple of T^6 and T^7 , a couple of T^7 and T^8 and a couple of T^8 and T^9 may bond each other to form a ring structure; M represents any one metal atom selected from iridium (Ir) atom, rhodium (Rh) atom, platinum (Pt) atom or palladium (Pd) atom; and L^1 and L^2 each independently represents any one structure expressed by following structures:

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n represents an integer of 0 to 2, and m represents an integer of 0 or 1. G

represents any one structure expressed by following structures:



wherein a dotted line "--" represents a covalent bond with the above M; and T¹ to T⁴ in Ph and OL each independently represents a cyano group, a nitro group, a halogen atom, a substituted or unsubstituted alkyl group having 1 to 20 carbon atoms, a substituted or unsubstituted amino group, a substituted or unsubstituted alkoxy group having 1 to 20 carbon atoms, a substituted or unsubstituted alkylsilyl group having 1 to 20 carbon atoms, a substituted or unsubstituted acyl group having 1 to 20 carbon atoms or a substituted or unsubstituted aromatic group having 1 to 30 carbon atoms (pages 1-2, paragraphs [0009]-[0017]).

In re claim 6, as applied to claim 1 above, **Ikedu** discloses all claimed limitations including the limitation wherein an organic electroluminescence device which comprises at least one organic thin film layer sandwiched between a pair of electrode consisting of

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an anode and a cathode, wherein the organic thin film layer comprises the metal complex compound according to claim 1, which emits light by applying an electric voltage between the pair of electrode (page 14, paragraph [0048]).

In re claim 7, as applied to claim 6 above, **Ikeda** discloses all claimed limitations including the limitation wherein said light emitting layer comprises said metal complex compound (pages 1-2, paragraphs [0009]-[0017] and page 14, paragraph [0048]).

In re claim 8, as applied to claim 6 above, **Ikeda** discloses all claimed limitations including the limitation wherein said organic thin film layer comprising the metal complex compound is formed by coating process (page 16, paragraph [0062]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khiem D. Nguyen whose telephone number is (571) 272-1865. The examiner can normally be reached on Monday-Friday (8:30 AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.N.

June 19, 2007

Brook Kebede
BROOK KEBEDE
PRIMARY EXAMINER